

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

RUDOLF F. FRYZEL  
RUTH E. FRYZEL,

Plaintiffs,

v.

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., ALIAS,  
US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR MASTR ADJUSTABLE  
RATE MORTGAGES TRUST, 2006-OA1,  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-OA1 ALIAS  
AND AMERICAN HOME MORTGAGE  
SERVICING, INC., ALIAS,

Defendants.

CIVIL ACTION NO. C.A. 10-352S-DLM

**AFFIDAVIT OF SAMUEL C. BODURTHA IN SUPPORT OF THE DEFENDANTS'**  
**REPLY TO THE PLAINTIFFS' OPPOSITION TO THE DEFENDANT'S**  
**MOTION TO DISMISS**

I, Samuel C. Bodurtha, having been duly sworn, depose and state under the penalties of perjury:

1. I am an attorney duly licensed to practice in the State of Rhode Island and before the United States District Court for the District of Rhode Island, and am employed by the law firm of Hinshaw & Culbertson LLP.

2. I am one of the counsel of record in the above-captioned matter for the defendants Mortgage Electronic Registration Systems, Inc., U.S. Bank National Association, as Trustee for MASTR Adjustable Rate Mortgages Trust, 2006-OA1, Mortgage Pass-Through Certificates, Series 2006-OA1, and American Home Mortgage Servicing, Inc. (collectively referred to as "Defendants"). I submit this affidavit in connection with the Defendants' Reply to the Opposition of Plaintiffs Rudolf F. Fryzel and Ruth E. Fryzel to the Defendants' Motion to Dismiss.

3. Attached hereto as Exhibit A is a true and accurate copy of the unreported decision issued in DePetrillo v. Belo Holdings, Inc., et al., 2009 WL 3794902 (R.I. Super. November 6, 2009).

4. Attached hereto as Exhibit B is a true and accurate copy of the unreported decision issued in Bridge v. Aames Capital Corp., 2010 WL 3834059 (N.D. Ohio, September 29, 2010).

Signed under the penalties of perjury this 24<sup>th</sup> day of November, 2010

/s/ Samuel C. Bodurtha

Samuel C. Bodurtha

**CERTIFICATE OF SERVICE**

I, Samuel C. Bodurtha, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on November 24, 2010.

/s/ Samuel C. Bodurtha

Samuel C. Bodurtha